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PATENT  
Attorney Docket No. P06275US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENEE: MARTIN, Philip Richard  
PATENT NO: 6,717,039  
ISSUED: April 6, 2004  
TITLE: INBRED MAIZE LINE PH5HK

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
FOR PTO MISTAKE (37 CFR § 1.322(a))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTN: Decision and Certificate of Correction  
Branch of the Patent Issue Division

Certificate  
JUN 09 2004  
of Correction

Dear Sir:

Attached, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

The exact page and line number where the errors are shown correctly in the application file are: page 2, lines 2-22; page 3, line 29; page 4, line 2; page 5, lines 5 and 30; page 6, line 3, 10, 11 and 26; and page 7, lines 11, 18 and 19 of Second Supplemental Amendment After filed September 15, 2003.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

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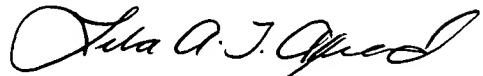
Date: June 1, 2004

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transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (703) 872-\_\_\_\_\_.

LILA A. T. AKRAD

Please send the Certificate to: Lila A. T. Akrad, McKee, Voorhees & Sease, P.L.C., 801  
Grand Avenue, Suite 3200, Des Moines, IA 50309-2721.

Respectfully submitted,



Lila A. T. Akrad, Reg. No. 52,550  
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**CUSTOMER NO: 27142**  
Attorneys of Record

- pw -

## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,717,039

DATED : April 6, 2004

INVENTOR(S) : MARTIN, Philip Richard

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 41, line 56 - Column 43, line 3:

~~A deposit of the seed of inbred PH5HK is and has been~~ Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line PH5HK with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. PTA-4433. The seeds deposited with the ATCC on June 4, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340[.] since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and person persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant(s) Applicant will make the deposit available to the public without restriction a deposit of at least 2500 seeds of inbred PH5HK with the American Type Culture Collection (ATCC), Manassas Va. 20110. The seeds deposited with the ATCC will be taken from the same deposit maintained at Pioneer Hi-Bred and described above pursuant to 37 C.F.R. § 1.808. This deposit of the Inbred Maize Line PH5HK will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant(s) will meet Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample when the deposit is made. This deposit of Inbred Maize Line PH5HK will be maintained in the ATCC Depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it ever becomes nonviable during that period. Applicant will impose imposes no restrictions on the availability to the public of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the

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PATENT NO. 6,717,039

No. of additional copies

Lila A. T. Akrad, Reg. No. 52,550  
 McKee, Voorhees & Sease, P.L.C.  
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This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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10 JUN 2004

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

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DATED : April 6, 2004

INVENTOR(S) : MARTIN, Philip Richard

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of itstheir rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH5HK has been applied for under Application No. 200200009.

Column 43, line 35:

maize plant and harvesting the resulting resultant F1 hybrid maize seed.

Column 43, line 37:

9. A method ~~for~~ of producing a male sterile maize plant comprising

Column 43, line 65:

claim 2 with a tansgene transgene encoding phytase.

Column 44, line 21:

maize line that comprise a desired trait to produced produce F1

Column 44, line 27:

to produced produce selected F1 progeny plants;

Column 44, line 35-36:

succession to produced produce selected fourth or higher backcross progeny plants that comprise the desired trait and all of the

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It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 44, line 53:

transgene encoding a *Bacillus thuringiensis* endotoxin.

Column 45, lines 1-2:

(b) selecting F1 progeny plants that have ~~the desired trait~~ said nucleic acid molecule to produce selected F1 progeny plants;

Column 45, lines 11-12

succession to ~~produce~~ produce selected fourth or higher backcross progeny plants that comprise ~~trait and~~ said nucleic acid molecule and have all of the

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